

UNITED STATES DISTRICT COURT

for the
 Central District of California

In the Matter of the Search of)
 United States Postal Service Priority Mail parcels)
 bearing tracking numbers 9505 5134 2114 4239) Case No. 8:24-mj-00408-DUTY
 4823 85 and 9505 5124 3712 4239 4758 64)

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See Attachment A

located in the Central District of California, there is now concealed (*identify the person or describe the property to be seized*):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. § 841 (a) (1)	Distribution and Possession with Intent to Distribute a Controlled Substance
21 U.S.C. § 843 (b)	Unlawful Use of a Communication Facility (including the mails) to Facilitate the Distribution of a Controlled Substance

The application is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.

☐ Delayed notice of _____ days (*give exact ending date if more than 30 days*: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

/s/ Zachary Sumpter

Applicant's signature

Zachary Sumpter, Task Force Officer (USPIS)

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: _____

Judge's signature

City and state: Santa Ana, California

Hon. Douglas F. McCormick, U.S. Magistrate Judge

Printed name and title

AUSA: Gregory Staples (714) 338-3535

AFFIDAVIT

I, Zachary Sumpter, being duly sworn, declare and state as follows:

I. PURPOSE OF AFFIDAVIT

1. This affidavit is made in support of a search warrant for the SUBJECT PARCELS described below and in Attachment A, for the items listed in Attachment B. The items to be seized constitute the fruits, instrumentalities, and evidence of violations of Title 21, United States Code, Sections 841(a)(1) (Possession with Intent to Distribute a Controlled Substance) and 843(b) (Unlawful Use of a Communication Facility (including the mails) to Facilitate the Distribution of a Controlled Substance).

2. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from various law enforcement personnel and witnesses. The affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only.

II. TRAINING AND EXPERIENCE

3. I am a Task Force Officer ("TFO") with the United States Postal Inspection Service ("USPIS") and have been so since November 2021. I am currently assigned as a TFO to the Contraband Interdiction and Investigations South Team of the Los

Angeles Division, which is responsible for investigating drug trafficking involving the United States Mail. Accordingly, I am an "investigative or law enforcement officer" of the United States within the meaning of Title 18, United States Code, Section 2510(7). Specifically, I am an officer of the United States empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516. Prior to being assigned as a TFO with the USPIS, I worked patrol as a full-time sworn law enforcement officer with the Chino Police Department. I have been a sworn law enforcement officer since August 2013. I am a Police Officer within the meaning of California Penal Code § 830.1.

4. I have received training and have experience investigating violations of state and federal narcotics and money laundering laws. I have been involved in various electronic surveillance methods including state and federal wiretap investigations, the debriefing of informants and witnesses, as well as others who have knowledge of the manufacturing, distribution, transportation, storage, and importation of controlled substances, and the laundering of drug proceeds. I have participated in many aspects of drug investigations, including investigations into the smuggling of illegal drugs, money laundering, and extortion related to drug trafficking. I am familiar with narcotics traffickers' methods of operation, including the manufacturing, storage, transportation, and distribution of narcotics, the collection of money that represents the proceeds of narcotics trafficking, and

money laundering. I am familiar with how drug traffickers use counter-surveillance techniques to avoid detection by law enforcement.

III. PARCELS TO BE SEARCHED

5. This affidavit is made in support of an application for a search warrant for the following two United States Postal Service ("USPS") Priority Mail parcels (hereinafter referred to as the "SUBJECT PARCELS"), which are currently secured at the USPIS Task Force Office located at the Chino Police Station, 5450 Guardian Way, Chino, California:

a. SUBJECT PARCEL 1 is a United States Postal Service Priority Mail parcel bearing tracking number 9505 5134 2114 4239 4823 85. SUBJECT PARCEL 1 is a white, medium-sized USPS Flat Rate Box addressed to "KEVIN HuyNH, 2321 EAST 4th St, C136, SANTA ANA, CA, 92705." The return address listed on SUBJECT PARCEL 1 is "JASON MINOH, 2301 HyDE PARK BLVD, NIAGARA FALLS, NY, 14305." SUBJECT PARCEL 1 was postmarked on August 26, 2024, in the 14304 ZIP code.

b. SUBJECT PARCEL 2 is a United States Postal Service Priority Mail parcel bearing tracking number 9505 5124 3712 4239 4758 64. SUBJECT PARCEL 2 is a white, large-sized USPS Flat Rate Box addressed to "Kevin H., 2321 east 4th st, C136, Santa Ana, CA 92705." The return address listed on SUBJECT PARCEL 2 is "Austin Gray, 320 Pistol creek RD, London, KY 40741." SUBJECT PARCEL 2 was postmarked on August 26, 2024, in the 40962 ZIP code.

IV. ITEMS TO BE SEIZED

6. The items to be seized from the SUBJECT PARCELS constitute fruits, instrumentalities, and evidence of violations of Title 21, United States Code, Sections 841(a)(1) (Possession with Intent to Distribute a Controlled Substance) and 843(b) (Unlawful Use of a Communication Facility (including the mail) to Facilitate the Distribution of a Controlled Substance). The items to be seized are identified in Attachment B, which is incorporated herein by reference.

V. STATEMENT OF PROBABLE CAUSE

A. Background

7. As described in detail below, the SUBJECT PARCELS are inbound parcels to the greater Orange County area from various states and were selected for investigation because they met certain criteria common to packages containing contraband. The SUBJECT PARCELS are believed to contain a controlled substances or the proceeds from the trafficking of controlled substances based on, among other things, positive alerts by a trained narcotics-detection canine.

8. Based on my training and discussions with experienced Postal Inspectors, I know that Postal Inspectors have been conducting investigations of drug trafficking via USPS Express Mail and Priority Mail since the mid-1980s. In particular, they began conducting organized interdictions of Express Mail and Priority Mail parcels suspected of containing controlled substances and proceeds from the sale of controlled substances in Los Angeles, California, in the early 1990s. Along with

conducting organized interdictions, Postal Inspectors also regularly examine and investigate Express Mail and Priority Mail parcels throughout the year. During the 1990s, Postal Inspectors observed that the trend was for drug traffickers to send controlled substances and proceeds from the sale of controlled substances using boxes, with the proceeds in the form of cash. Although Postal Inspectors still see the use of boxes for controlled substances and cash, there has been a gradual change over the years toward the current trend of smaller boxes, flat cardboard envelopes, and Tyvek envelopes, with proceeds from the sale of controlled substances converted to money orders. By using money orders, drug traffickers are able to send large dollar amounts in compact form, using much smaller conveyances that lend a sense of legitimacy to the parcel.

9. From my training, personal experience, and the collective experiences related to me by Postal Inspectors on my team who specialize in investigations relating to the mailing of controlled substances and drug proceeds, I am aware that the greater Los Angeles area is a major source area for controlled substances. As such, controlled substances are frequently transported from the greater Los Angeles area via the United States Mail, and the proceeds from the sale of the controlled substances are frequently returned to the greater Los Angeles area via the United States Mail. These proceeds are generally in large amounts of money over \$1,000.

10. I also know, based on my training and experience, that drug traffickers will often use one of two USPS services --

Priority Mail Express Service, which is the overnight/next day delivery mail service, and Priority Mail Service, which is the two-to-three-day delivery mail service. Drug traffickers use Priority Mail Express delivery services because of their speed, reliability, and the ability to track the package's progress to the intended delivery point. Drug traffickers often use Priority Mail delivery services because they allow drug traffickers more time for travel between states if they are following their shipments to their destinations for distribution. Like Priority Mail Express, Priority Mail also allows drug traffickers to track the package's progress to the intended delivery point.

11. Based on information derived and built upon over many years, I, like other Postal Inspectors and Task Force Officers, initially look for certain characteristics when examining Priority Mail Express and Priority Mail for controlled substances or drug proceeds. These characteristics include:

- a. The article is contained in a box, flat cardboard mailer, or Tyvek envelope;
- b. The article bears a handwritten label; and/or
- c. The handwritten label on the article does not contain a business account number.

12. Parcels found to meet these characteristics are scrutinized by Postal Inspectors and Task Force Officers through further investigation, which may include return and addressee address verifications and trained narcotics-detecting canine examination. Postal Inspectors and Task Force Officers will

also look for additional drug or drug proceed parcel characteristics such as:

- a. The seams of the article are taped or glued shut;
- b. The article emits the odor of a cleaning agent, adhesive, or spray foam, detectable by a human; and/or
- c. Multiple articles are mailed to the same individual, on the same day, from different locations.

13. Based on my training and experiences and information learned during discussions with Postal Inspectors, I know that drug traffickers often use fictitious or incomplete names and/or addresses in an effort to conceal their identity from law enforcement. Indeed, it is my experience that when real addresses are used, it is only to lend a legitimate appearance to the parcel and is almost always paired with a false name.

B. Investigation of the SUBJECT PARCELS

14. On August 29, 2024, during routine parcel inspections at the Santa Ana Post Office, located at 2201 N. Grand Avenue, Santa Ana, CA 92711, the SUBJECT PARCELS were identified as meeting some of the initial suspicious characteristics described above.

15. Upon inspecting the SUBJECT PARCELS, I observed that the parcels were consistent with the size, shape, and appearance of parcels previously identified in other investigations that contained controlled substances or drug proceeds.

16. After being identified, the SUBJECT PARCELS were removed from the mail stream and additional investigation was conducted.

C. Investigation of SUBJECT PARCELS Using Accurint Database Checks

17. On August 29, 2024, I examined the SUBJECT PARCEL and learned the following:

a. SUBJECT PARCEL 1 has handwritten address information in black marker and does not have a business account number, which, based on my training and experience, is common in parcels used by narcotic traffickers. According to Accurint¹ database records, the return address information listed on SUBJECT PARCEL 1 is not associated with the listed sender, "JASON MINOH." Per Accurint, the listed recipient, "KEVIN HuyNH," is not associated with the listed recipient address on SUBJECT PARCEL 1.

b. SUBJECT PARCEL 2 is wrapped in copious amounts of USPS clear and red tape, has handwritten address information, and does not have a business account number, which, based on my training and experience, is common in parcels used by narcotic traffickers. According to Accurint database records, the return address information listed on SUBJECT PARCEL 2 is not associated with the listed sender, "Austin Gray." Per Accurint, the listed recipient, "Kevin H.," is not associated with the listed recipient address on SUBJECT PARCEL 2.

D. Positive Canine Alert on the SUBJECT PARCELS

18. On August 30, 2024, El Monte Police Department Office Adam Girgle and his certified narcotics-detection canine,

¹ ACCURINT is a public information database used by law enforcement that collects personal identifying information like names, addresses, and telephone numbers.

"Kash," conducted an exterior examination of the SUBJECT PARCELS. Officer Girgle informed me that Kash gave a positive alert to each SUBJECT PARCEL 1 and SUBJECT PARCEL 2 separately, indicating the presence of controlled substances or other items that emitted the odor of controlled substances, in the SUBJECT PARCELS. Attached hereto as Exhibit 1, which I incorporate fully herein by reference, is a document setting forth information provided by Officer Girgle regarding Kash's training and history in detecting controlled substances, and examination of the SUBJECT PARCELS.

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VI. CONCLUSION

19. Based on the above, I believe there is probable cause to believe that the items listed in Attachment B, which constitute evidence, fruits, and instrumentalities of violations of Title 21, United States Code, Sections 841(a)(1) (Possession with Intent to Distribute a Controlled Substance) and 843(b) (Unlawful Use of a Communication Facility (including the mails) to Facilitate the Distribution of a Controlled Substance) will be found in the SUBJECT PARCEL, as described in Attachment A.

Attested to by the applicant in
accordance with the requirements
of Fed. R. Crim. P. 4.1 by
telephone on this ____ day of
August 2024.

HONORABLE
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

PARCELS TO BE SEARCHED

The SUBJECT PARCELS are currently secured at the USPIS Task Force Office located at the Chino Police Station, 5450 Guardian Way, Chino, California, and are as follows:

a. SUBJECT PARCEL 1 is a United States Postal Service Priority Mail parcel bearing tracking number 9505 5134 2114 4239 4823 85. SUBJECT PARCEL 1 is a white, medium-sized USPS Flat Rate Box addressed to "KEVIN HuyNH, 2321 EAST 4th St, C136, SANTA ANA, CA, 92705." The return address listed on SUBJECT PARCEL 1 is "JASON MINOH, 2301 HyDE PARK BLVD, NIAGARA FALLS, NY, 14305." SUBJECT PARCEL 1 was postmarked on August 26, 2024, in the 14304 ZIP code.

b. SUBJECT PARCEL 2 is a United States Postal Service Priority Mail parcel bearing tracking number 9505 5124 3712 4239 4758 64. SUBJECT PARCEL 2 is a white, large-sized USPS Flat Rate Box addressed to "Kevin H., 2321 east 4th st, C136, Santa Ana, CA 92705." The return address listed on SUBJECT PARCEL 2 is "Austin Gray, 320 Pistol creek RD, London, KY 40741." SUBJECT PARCEL 2 was postmarked on August 26, 2024, in the 40962 ZIP code.

ATTACHMENT B

ITEMS TO BE SEIZED

1. The following are the items to be seized from the SUBJECT PARCELS, which constitute the fruits, instrumentalities, and evidence of violations of Title 21, United States Code, Sections 841(a)(1) (Distribution and Possession with Intent to Distribute a Controlled Substance) and 843(b) (Unlawful Use of a Communication Facility (including the mails) to Facilitate the Distribution of a Controlled Substance):

- a. Any controlled substances, including marijuana;
- b. Currency, money orders, bank checks, or similar monetary instruments in aggregate quantities over \$1,000; and
- c. Any associated packaging.

AFFIDAVIT

I, Officer Adam Girgle, being duly sworn, declare and state as follows:

I have been a Police Officer with the El Monte Police Department since December of 2003. I have handled and/or assisted with hundreds of narcotics investigations. I have assisted Federal and State narcotics task forces with large scale narcotics investigations. I graduated from the Los Angeles County Sheriff's Department Academy in May of 2001. I attended the Adlerhorst Police Canine Handler course in August of 2016.

I also attended the Gold Coast Canine Narcotics Detection course in February of 2024. During these courses, my police canine partner Kash and I received 240 hours of instruction in the detection of the odor of illegal narcotics. During these courses, I personally observed my police canine partner Kash alert to the presence of the odor of illegal narcotics. My police canine partner Kash was certified to alert to the presence of marijuana, methamphetamine, cocaine, heroin and fentanyl. My police canine partner and I receive yearly certification from the Los Angeles County Police Canine Association in narcotics detection. My police canine partner and I last certified in February 2024.

I am familiar and knowledgeable in the behaviors my police canine partner Kash engages in when he detects the presence of the odor of illegal narcotics. I conduct continual training with my police canine partner Kash by hiding various narcotics in different locations such as buildings, vehicles, bags, parcels and in open areas. This training includes proofing canine Rico on odors such as plastic, boxes, latex, tape, metal, currency (circulated and uncirculated), parcel packaging material, glass pipes and food. I also proof canine Kash of my human odor. This training is on-going and continual.

On August 30, 2024, my police canine partner and I assisted with a narcotic parcel investigation. Canine Kash alerted to the presence of the odor of illegal narcotics emitting from the following parcels.

USPS Parcel: 9505 5134 2114 4239 4823 85 (Parcel 1)

Addressed To: Kevin Huynh

2321 East 4th St. C136

Santa Ana, CA 92705

USPS Parcel: 9505 5124 3712 4239 4758 64 (Parcel 2)

Addressed To: Kevin H.

2321 East 4th St. C136

Santa Ana, CA 92705

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration is executed at City of Industry, California, on August 30, 2024.

A handwritten signature in black ink, appearing to be 'E. H. S.', written in a cursive style.